

Exhibit “B”

CAUSE NO. 201565853

RECEIPT NO. 0.00 ATY
***** TR # 73184632
PLAINTIFF: RUD, RONALD
vs.
DEFENDANT: OFTEDAHL, RICHARD
In The 125th
Judicial District Court
of Harris County, Texas
125TH DISTRICT COURT
Houston, TX

CITATION (NON-RESIDENT)
THE STATE OF TEXAS
County of Harris

TO: OFTEDAHL, RICHARD
1332 22ND ST CAMERON WI 54822

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

This instrument was filed on the 3rd day of November, 2015, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 4th day of November, 2015, under my hand and seal of said Court.

Issued at request of:

HALE, JOHN GREGORY
12510 CUTTEN ROAD
HOUSTON, TX 77066
Tel: (713) 974-0014
Bar No.: 8729200



CHRIS DANIEL, District Clerk
Harris County, Texas
291 Caroline Houston, Texas 77002
P.O. Box 4651, Houston, Texas 77210

GENERATED BY: DENMON, BRIANNA JANE 3B5//10233758

STATE OF Wisconsin

OFFICER/AUTHORIZED PERSON RETURN
County of Eau Claire

PERSONALLY APPEARED before me, the undersigned authority, Wayne Turnquist who being by me duly sworn, deposes and says that in the County of Barron State of Wisconsin he delivered to the within named defendants in person at the following times and places to wit:

NAME	DATE			TIME		PLACE
	MONTH	DAY	YEAR	HOURL	MIN	
Richard Oftedahl	11	21	2015	11	40 AM	1332 22nd Street Cameron WI 54822

a true copy of this notice, with a copy of:

accompanying same; and further, that he is an adult and is in no manner interested in this suit and is the person competent to make oath of the fact.

Wayne Turnquist
Affiant/Deputy

On this day, Wayne Turnquist, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this 2nd day of November, 2015.



R. Torbeck
Notary Public
My Commission Expires:

11/3/2015 12:43:20 PM
Chris Daniel - District Clerk Harris County
Envelope No. 7658687
By: Nelson Cuero
Filed: 11/3/2015 12:43:20 PM

NO. 2015-65853

RONALD RUD AND FLORA RUD § IN THE DISTRICT COURT OF
VS. §
 § HARRIS COUNTY, TEXAS
 §
RICHARD OFTEDAHL AND §
RANDS TRUCKING, INC. § 125th JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW RONALD RUD and FLORA RUD, ("Plaintiffs"), complaining of
RICHARD OFTEDAHL and RANDS TRUCKING, INC. ("Defendants"), and for cause
of action would show as follows:

**I.
DISCOVERY CONTROL PLAN**

Pursuant to Rules 190.1 and 190.3 of the Texas Rules of Civil Procedure,
Plaintiffs intend to conduct discovery in this matter under Level II.

**II.
PARTIES AND PROCESS**

Plaintiff, RONALD RUD, is an individual and resident of the state of Texas.

Plaintiff, FLORA RUD, is an individual and resident of the state of Texas.

Defendant, RICHARD OFTEDAHL, is an individual and resident of the state of
Wisconsin and may be served with process at his residence, 1332 22nd St., Cameron,
Barron County, Wisconsin 54822.

Defendant, RANDS TRUCKING, INC., is a company doing business in the state
of Wisconsin located at W8527 Gokey Road, Rusk County, Wisconsin 54848 and may be

served with process through its registered agent Marvin I. Moss, 20801 Biscayne Blvd., Suite 506, N. Miami Beach, Miami-Dade County, Florida 33180.

III.
REQUEST FOR DISCLOSURE

Under Texas Rule of Civil Procedure 194, Plaintiff requests Defendants to disclose within (50) days of the service of this request, the information or material described in Rule 194.3(a).

IV.
JURISDICTION AND VENUE

This Court has subject matter jurisdiction over this matter as the amount in controversy is within the jurisdictional limits of this Court. Pursuant to Texas Rule of Civil Procedure 47(c)(5), Plaintiffs seek monetary relief over \$1,000,000.00, including damages of any kind, pre-judgment and post-judgment interest at the maximum rates provided by law, and costs of court. Plaintiffs also pray that they be granted all other relief to which they may be justly entitled.

Pursuant to §15.002(a)(2) of the Texas Civil Practice & Remedies Code, venue is proper in Harris County because this is the county in which the incident giving rise to Plaintiffs' claims occurred.

V.
FACTS

This lawsuit has become necessary in order for Plaintiffs to recover fair and reasonable compensation for legal damages sustained as a result of a motor vehicle incident that occurred on or about May 13, 2014, in Harris County, Texas. At the time of the accident, Defendant OFTEDAHL made an improper right turn from the middle lane of traffic subsequently striking the driver's side of Plaintiffs' truck.

VI.
NEGLIGENCE AND NEGLIGENCE PER SE

At the time of the incident, Defendant OFTEDAHL was operating his vehicle recklessly and negligently. Specifically, Defendant OFTEDAHL had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Plaintiffs alleges that Defendant OFTEDAHL engaged in certain acts and omissions constituting negligence per se for violations of Texas laws pertaining to the safe operation of motor vehicles, and such acts and omissions, among others, are as follows:

- a. Failing to maintain a proper lookout as a person with ordinary prudence would have maintained under the same or similar circumstances;
- b. Failing to apply the brakes of his vehicle in order to avoid the collision in question;
- c. Failing to turn his vehicle to the right or left in an effort to avoid the collision in question;
- d. Failing to take proper evasive action;
- e. Failing to drive his vehicle with a conscious regard for the safety of persons or property; and
- f. Failing in some manner unknown to Plaintiff at this time as the instrumentality causing the injuries was under the exclusive control of Defendant.

Each of these acts and omissions, singularly or in combination with others, constitute negligence, which was the proximate cause of this incident and the injuries sustained by Plaintiffs.

Each of the foregoing acts, both of omission and commission, constituted negligence, and was each and all, independently and/or concurrently, a proximate cause of the incident in question and injuries and damages about which Plaintiffs complain herein.

VII.
DAMAGES

As a proximate cause of the negligence of Defendant, Plaintiffs have suffered serious and disabling injuries, as well as other damages. Specifically, as a result of the incident in question, Plaintiffs have suffered/sustained (and/or will suffer/sustain) and hereby sue for the following elements of damages:

- a. necessary and reasonable medical expenses, past and future;
- b. conscious physical and mental pain and anguish, past and future; and
- c. loss of earning capacity, past and future.

Plaintiffs would show that all of the damages complained of were proximately caused by the acts and omissions of Defendants. The damages sought by Plaintiffs are in an amount within the jurisdictional limits of the Court.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, RONALD RUD and FLORA RUD, pray that Defendants, RICHARD OFTEDAHL and RANDS TRUCKING, INC., be duly cited in terms of law to appear and answer herein and that upon final hearing hereof, Plaintiffs recover judgment against Defendants for actual damages as set out above, pre-judgment and post-judgment interest at the maximum rates provided by law, and costs of court. Plaintiffs also pray that they be granted all other relief to which they may be justly entitled.

Respectfully submitted,

HALE * MANICOM

John H. Hale

By: _____

John Gregory Hale
State Bar No. 08729200
12510 Cutten Road
Houston, Texas 77066
(713) 974-0014 (Telephone)
(713) 974-0068 (Facsimile)

ATTORNEYS FOR PLAINTIFFS
RONALD RUD AND FLORA RUD

Unit 1: 1, 2, 3

Page 1 P5A

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dk: H

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CAUSE NO. 201565853

RECEIPT NO.	0.00	ATY
*****		TR # 73184632
PLAINTIFF: RUD, RONALD	In The 125th	
vs.	Judicial District Court	
DEFENDANT: OFTEDAHL, RICHARD	of Harris County, Texas	
	125TH DISTRICT COURT	
	Houston, TX	

CITATION (NON-RESIDENT)

THE STATE OF TEXAS
County of Harris

COPY OF PLEADING PROVIDED BY PLTD.

TO: OFTEDAHL, RICHARD
1332 22ND ST CAMERON WI 54822Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSUREThis instrument was filed on the 3rd day of November, 2015, in the above cited cause number and court. The instrument attached describes the claim against you.

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Issued at request of:

HALE, JOHN GREGORY
12510 CUTTEN ROAD
HOUSTON, TX 77066
Tel: (713) 974-0014
Bar No.: 8729200CHRIS DANIEL, District Clerk
Harris County, Texas
91 Caroline Houston, Texas 77002
P.O. Box 4651, Houston, Texas 77210

GENERATED BY: DENMON, BRIANNA JANE 3B5//10233758

STATE OF _____

OFFICER/AUTHORIZED PERSON RETURN

County of _____

PERSONALLY APPEARED before me, the undersigned authority, _____
who being by me duly sworn, deposes and says that in the County of _____
State of _____ he delivered to the within named defendants in person at the
following times and places to wit:

NAME	DATE			TIME		PLACE
	MONTH	DAY	YEAR	HOUR	MIN	

a true copy of this notice, with a copy of:

accompanying same; and further, that he is an adult and is in no manner interested in this suit and is the person competent to make oath of the fact.

Affiant/Deputy

On this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____,

Notary Public

N.INT.CITN.P



12/2/2015 3:46:58 PM
Chris Daniel - District Clerk Harris County
Envelope No. 8058118
By: Brianna Denmon
Filed: 12/2/2015 3:46:58 PM

CAUSE NO. 2015-65853

RONALD RUD and FLORA RUD	§	IN THE DISTRICT COURT OF
	§	
	§	
v.	§	HARRIS COUNTY, T E X A S
	§	
RICHARD OFTEDAHL and RAND'S TRUCKING, INC.	§	
	§	125TH JUDICIAL DISTRICT

**DEFENDANTS' ORIGINAL ANSWER
AND DEMAND FOR JURY TRIAL**

Defendants Richard Oftedahl and Rand's Trucking, Inc. file their Original Answer to Plaintiffs Ronald Rud and Flora Rud's Original Petition and would show the Court as follows:

GENERAL DENIAL

Defendants Richard Oftedahl and Rand's Trucking, Inc. assert a general denial as allowed under the provisions of Rule 92 of the Texas Rules of Civil Procedure.

COMPARATIVE NEGLIGENCE

In the alternative, and without waiving the same, Defendants Richard Oftedahl and Rand's Trucking, Inc. allege that the comparative negligence of Plaintiffs, in failing to use ordinary care, was a proximate cause or the sole proximate cause of their injuries, if any. Defendants Richard Oftedahl and Rand's Trucking, Inc. request that at trial of this case the jury, pursuant to Texas Civil Practice & Remedies Code Chapter 33, et. seq., be asked to assess the comparative negligence, if any, of all parties to this lawsuit.

PROOF OF CERTAIN LOSSES

Pleading further and subject to the foregoing, without waiving the same, Defendants Richard Oftedahl and Rand's Trucking, Inc. would show that according to Section 18.091 of the Texas Civil Practice & Remedies Code that Plaintiffs' alleged earning, loss of earning capacity, loss of contributions of a pecuniary value, or loss of inheritance must be presented in the form of a net loss after reduction for income tax purposes or unpaid tax liability pursuant to any federal or state income tax law.

EVIDENCE RELATING TO MEDICAL EXPENSES

Pleading further, and subject to the foregoing, without waiving the same, Defendants Richard Oftedahl and Rand's Trucking, Inc. would show that under Section 41.0105 of the Texas Civil Practice & Remedies Code Plaintiffs' recovery of medical and health care-related expenses must be limited to the amount actually paid or incurred.

MITIGATION OF DAMAGES

In the alternative, and without waiving the foregoing, Defendants Richard Oftedahl and Rand's Trucking, Inc. assert Plaintiffs Ronald Rud and Flora Rud failed to mitigate their damages.

PRE-EXISTING INJURIES

In the alternative, and without waiving the foregoing, in the event that competent evidence is brought forward that Plaintiffs suffered from a pre-existing condition, not caused by any action or inaction on the part of Richard Oftedahl and Rand's Trucking, Inc., Defendants would show that Plaintiffs are entitled only to any exacerbation of that pre-existing condition, but not for the condition itself.

JURY DEMAND

Pursuant to the provisions of Rule 216 of the Texas Rules of Civil Procedure, Richard Oftedahl and Rand's Trucking, Inc. formally makes this demand and application for a jury in the trial of this lawsuit.

PRAYER

Wherefore, premises considered, Defendants Richard Oftedahl and Rand's Trucking, Inc. pray that Plaintiffs Ronald Rud and Flora Rud take nothing by reason of this lawsuit, that he be released, discharged, and acquitted of the charges, that they go hence with their costs, without day and for such other and further relief, both general and special, at law and in equity, to which they shows himself justly entitled, and for which they will in duty bound forever pray.

Respectfully Submitted,

DONATO, MINX, BROWN & POOL, P.C.

/s/Robert D. Brown

Robert D. Brown
State Bar No.: 03164715
bbrown@donatominxbrown.com
Ian R. Beliveaux
State Bar No.: 24045476
ibeliveaux@donatominxbrown.com
3200 Southwest Freeway, Suite 2300
Houston, Texas 77027
Phone: (713) 877-1112
Fax: (713) 877-1138

**Counsel for Defendants Richard Oftedahl and
Rand's Trucking, Inc.**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading has been forwarded to all the following counsel of record on December 2, 2015:

John Gregory Hale Hale*Manicom 12510 Cutten Road Houston, Texas 77006	Fax 713.974.0068
--	------------------

/s/Robert D. Brown

ROBERT D. BROWN

Harris County Docket Sheet

2015-65853

COURT: 125th

FILED DATE: 11/3/2015

CASE TYPE: Motor Vehicle Accident



RUD, RONALD

Attorney: HALE, JOHN GREGORY

VS.

OFTEDAHL, RICHARD

Attorney: BROWN, ROBERT D

Docket Sheet Entries

Date	Comment
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